



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

6. Master and Servant (§ 247 (1)*)—Servant's Negligence, Proximately Contributing to Injuries, Precludes Recovery.—A servant cannot recover for injuries by master's negligence if he has himself been guilty of negligence that either solely caused or proximately contributed to the injuries.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

7. Master and Servant (§ 217 (23)*)—Coal Miner Held to Have Assumed Risk of Fall of Slate.—An experienced coal miner familiar with the use of props to prevent fall of draw slate from ceiling of mine, assumed the risk of the fall of draw slate by continuing to work with knowledge that there was a loose slab of draw slate in ceiling after the danger thereof had been called to his attention without setting prop, which had been furnished by master to support the rock.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

Error to Circuit Court, Wise County.

Action by W. B. Addington, Administrator, against the Guests River Coal Company. Judgment for defendant on demurrer to evidence, and plaintiff brings error. Affirmed.

Fulton & Vicars, of Wise, for plaintiff in error.

Bullitt & Chalkley, of Big Stone Gap, for defendant in error.

CLINCHFIELD COAL CORPORATION *v.* HAWKINS.

Sept. 22, 1921.

[108 S. E. 704.]

1. Master and Servant (§ 153 (2)*)—Mine Operator Required by Statute to Give Inexperienced Employees Immediate Personal Direction.—Under Code 1919, § 1840, providing that an inexperienced coal miner shall work under direction of a foreman, or other experienced worker, until he has had reasonable opportunity to become familiar with ordinary dangers, furnishing an inexperienced miner with competent foreman and experienced workmen is not sufficient but he must be given such immediate personal direction as to afford him a reasonable opportunity to become familiar with the ordinary dangers incident to the work.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

2. Master and Servant (§ 289 (11)*)—Contributory Negligence of Inexperienced Coal Miner Held for Jury.—In an action for injuries to an inexperienced coal miner 21 years old, who had worked with an experienced miner about nine days before he was hurt by falling slate about and after a shot, held on evidence that it was a question

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

for the jury whether he had been instructed as to the dangers as required under Code 1919, § 1840, so as to be guilty of working in a place known to be unsafe in violation of section 1863, and of failure to use props in violation of section 1867.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

3. Master and Servant (§ 243 (12)*)—Inexperienced Miner Injured by Falling Slate Held Not Precluded from Recovering by Employer's Rule.—Coal mine operator's rule posted under Code 1919, § 1878, directing miners not to go to work after a shot until sure roof of mine was safe, merely required miner to use diligence not to work under unsafe roof and did not preclude inexperienced miner, who resumed work after a shot, from recovering for injuries by a fall of slate an hour after a shot, where the condition of the roof was not glaringly dangerous.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

4. Master and Servant (§ 243 (1)*)—Employee Must Obey Reasonable Rules.—The employee is required to obey reasonable rules of employer.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

5. Master and Servant (§ 204 (2)*)—Risk of Employer's Breach of Statutory Duties Not Assumed.—Employee does not assume risk of employer's breach of statutory duties.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

6. Master and Servant (§ 218 (3)*)—Coal Miner's Assumption of Risk of Falling Slate Held for Jury.—Whether an inexperienced coal miner, 21 years old, who had worked in the mine about nine days before he was hurt by falling slate about an hour after a shot, assumed the risk under the common-law doctrine held for the jury.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

7. Master and Servant (§ 190 (14)*)—Fellow Servant Doctrine Inapplicable to Inexperienced Miner Directed by Superior.—Where a miner injured by falling slate after a shot was inexperienced and did not work under such direction of an experienced miner as Code 1919, § 1840, requires, the negligence of the latter in not examining the roof was not that of a fellow servant.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

Error to Circuit Court, Dickenson County.

Action by Edgar Hawkins against the Clinchfield Coal Corporation. Judgment for plaintiff, and defendant brings error. Affirmed.

Morison, Morison & Robertson, of Bristol, *J. W. Flannagin*, and *W. H. Rouse*, of Bristol, for appellant.

A. A. Skeen, of Clintwood, and *W. A. Daugherty*, of Grundy, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.